IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.T.SANKARAN

TUESDAY, THE 12TH DECEMBER 2006 / 21ST AGRAHAYANA 1928

MACA.No. 351 of 2006(B)

OPMV.681/2001 of MOTOR ACCIDENT CLAIMS TRIBUNAL, MUVATTUPUZHA

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APPELLANT: 1ST RESPONDENT

M.V.VARGHESE, S/O.VARKEY,
MANGALATH HOUSE, THIRUVANIYOOR.

BY ADV. SRI.T.RAJESH

RESPONDENTS: PETITIONER & RESPONDENTS 2 AND 3

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1. VISHNU YASODHARAN, S/O.YASODHARAN,
   AGED 7 YEARS, NIRAPPEL HOUSE, KOOTHATTUKULAM,
   REP. BY FATHER AND NATURAL GUARDIAN,
   YASODHARAN, S/O.GOPALAN, NIRAPEL HOUSE,
   KOOTHATTUKULAM.

2. ANIYAPPAN, S/O.MADHAVAN,
   KOLAPILY HOUSE, THIRUMARADY P.O.,
   THIRUMARADY.

3. THE ORIENTAL INSURANCE CO LTD.,
   MUVATTUPUZHA.

BY GOVT. PLEADER SRI. L.G.SURESH BABU

THIS MOTOR ACCIDENT CLAIMS APPEAL HAVING COME BEEN FINALLY HEARD ON 12/12/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.T.SANKARAN, J

M.A.C.A. No. 351 of 2006

Dated this the 12th day of December, 2006

JUDGMENT

The appellant is the first respondent in O.P.(MV) 681 of 2001 on the file of the Motor Accidents Claims Tribunal, Muvattupuzha. The petition, O.P.(MV)No.681/2001 was filed by the first respondent, a minor, who sustained injuries while travelling as a pillion rider on a scooter bearing registration No.KL-7/R-6246. That scooter collided with a motor bike bearing registration No.KL-7H 7480, driven by the second respondent therein. The first respondent in the O.P. who is the appellant herein was shown as the owner of the vehicle.

2. The appellant herein contended that he sold away the vehicle on 10.4.2000 and that he was not the owner of the vehicle on the date of the accident. He relied on Ext.B1 agreement to show that he has transferred the vehicle to a third party. No oral evidence was adduced on the side of the claimant. The appellant herein was examined as RW1.

3. The Tribunal held that the claimant is entitled to get a compensation of Rs.23,300/- (Rupees twenty three thousand and three hundred only) with interest thereon at 6% per annum from the date of application to the date of deposit. The insurance company was directed to deposit the amount and it was held that the insurance company shall be entitled to recover the amount from the first respondent/appellant. The appellant challenges this finding by which the insurance company was held entitled to recover the amount from him.

4. It was found by the Tribunal that the second respondent in the O.P. was not duly licensed to drive the vehicle on the date of the accident. It was also held that the appellant failed to produce any document to show that the registering authority was duly intimated about the alleged sale of the vehicle as required under the Motor Vehicles Act. Ext. A3 report of the AMVI shows that the appellant is the owner of the vehicle. There is no dispute that transfer of ownership was not effected by the registering authority. The Tribunal relied on the decision

of the Supreme Court reported in 2001 (3) KLT 633 (Jose Vs. Chacko) and held that the appellant cannot shirk the responsibility as an owner of the vehicle so long as the registration of the vehicle stands in his name.

5. In view of the decision of the Supreme Court, the contentions raised by the appellant are devoid on merit. The Tribunal was right in holding that the insurance company is entitled to recover the amount of compensation from the appellant. No grounds are made out for interference in the appeal.

In the result, this appeal is dismissed.

K.T.SANKARAN,
JUDGE

csl